

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Priority

2. Translation of the foreign priority document JP-2003-345903 has been received and serves to obviate the rejection based in part upon Lee et al. US 2004/0125738.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. US 2004/0125738 in view of Narumi et al. US 2003/0185121.

In figure 5 Lee et al. discloses an optical recording medium that reads on claims 15 and 17- 18. The disc control data zone corresponds to applicant's control information area. The defect management zone corresponds to applicant's space recited in claim 18. Address information of defects is written in the defect management zone(0049-0050). See figure 2 for illustration of recording/reproducing path.

The disc shown in figure 6B meets the limitations of claims 15, 16, and 18. In figure 6B the disc-related information areas correspond to the areas which are recorded in advance recited in instant claim 16(0051-0052). Address information of defects is

written in the defect management zone. Section 0042 discusses the disc-related information areas(reproduction only areas). Reproduction only areas may include pre-pit areas(0068 and claims 16 and 18).

The discs of figure 5 and figure 6B do not have test writing areas in the first and second layer which are completely or partially out of overlap.

Narumi et al. discloses offset test (OPC) areas in dual layer optical recording media (0197-0199 and figures 11 and 14). The examiner notes that in Narumi et al. the test areas are opposite reproduction-only (ROM) areas. In alternative to being ROM areas these areas may be a recording prohibited area or a mirror area.

It would have been obvious to offset the test areas in the first and second layers of the media taught by Lee et al. based on the example of Narumi et al. and with the reasonable expectation of forming a useful optical recording media. Further, it would have been obvious to modify the disc to include reproduction-only areas, recording prohibited areas or mirror areas opposite each of the test areas based on the example of Narumi et al. at 0192-0200 and with the reasonable expectation of success.

Response to Amendment

Applicant's submission of a verified English translation of JP-2003-345903 to perfect priority has overcome the Lee et al. US 2005/0185121 reference applied in the final office action of 08/17/2009.

However, the combination of Lee et al. US 2004/0125738 in view of Narumi et al. US 2003/0185121 still teaches the claimed invention. Narumi et al. discloses out of overlap test areas in a dual layer optical recording media where the test areas face

reproduction-only areas, recording prohibited areas or mirror areas respectively and this showing of the arrangement is sufficient to render the claimed invention obvious. The Lee et al. US 2004/0125738 had been included as it taught the interference/influence of OPC between layers which was articulated by the applicant as one of the benefits.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA L. VERDERAME whose telephone number is (571)272-6420. The examiner can normally be reached on M-F 8A-4:30P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached at 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Martin J Angebrannt/
Primary Examiner, Art Unit 1795